#### PATENT APPLICATION

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of

Docket No: Q76017

Michihiro SHIBATA

Appln. No.: 10/606,270

Group Art Unit: 2655

Confirmation No.: 3378

Examiner: NOT YET ASSIGNED

Filed: June 26, 2003

For:

OPTICAL RECORDING MEDIUM

STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

Registration No. 23,063

SUGHRUE MION, PLLC

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WASHINGTON OFFICE 23373 CUSTOMER NUMBER

Date: April 2, 2004

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## <u>INFORMATION DISCLOSURE STATEMENT</u> <u>UNDER 37 C.F.R. §§ 1.97 and 1.98</u>

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, along with an Office Action from a foreign Patent Office in connection with a foreign Patent Application that corresponds to the subject US Application.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/606,270

ATTORNEY DOCKET NO. Q76017

under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. Nevertheless, since a

Statement can be made a Statement is submitted herewith.

The submission of the listed documents is not intended as an admission that any such

document constitutes prior art against the claims of the present application. Applicant does not

waive any right to take any action that would be appropriate to antedate or otherwise remove any

listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 2, 2004

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Substitute for Form 1449 A & B/PTO		Complete if Known		
		Application Number	10/606,270	
F INFORMATION DISCLOS	URE	Confirmation Number	3378	
STATEMENT BY APPLIC	ANT	Filing Date	June 26, 2003	
/0 -3		First Named Inventor	Michihiro SHIBATA	
as many sheets as necessar	y)	Art Unit	2655	
NPR 0		Examiner Name	NOT YET ASSIGNED	
Sheet 1 of	1	Attorney Docket Number	Q76017	
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U.S. PATENT DOCUMENTS						
	Cite	Document Number		Publication Date		
	No.1	Number	Kind Code <sup>2</sup> (if known)	MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		US 4,990,208	Α	02-05-1991	KANO	
		US 2002/09669	A1	01-24-2002	MORISHIMA et al.	
		US 2002/32251	A1	03-14-2002	HA et al.	
		US				
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		US				
		US				
-		US				
		US				

FOREIGN PATENT DOCUMENTS							
	Cite	Foreign Patent Document		Publication Date	Name of Patentee or		
	No.1	Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	Translation <sup>6</sup>
		•EP	0 887 793	A1	12-30-1998	EASTMAN KODAK CO.	
		•EP	1 039 449	A1	09-27-2000	FUJI PHOTO FILM CO. LTD.	
		, Eb	1 180 766	A2	02-20-2002	FUJI PHOTO FILM CO. LTD.	
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NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>	
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Examiner Signature		Date Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.